# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PATRICK EDDINGTON,	)
1000 Massachusetts Avenue	)
Washington, DC 20001	)
Plaintiff,	)
v.	)
FEDERAL BUREAU OF	)
INVESTIGATION,	)
935 Pennsylvania Avenue, NW	)
Washington, D.C. 20535	)
	)
U.S. DEPARTMENT OF JUSTICE,	)
950 Pennsylvania Avenue, NW	)
Washington, D.C. 20530	)
Defendants.	)

# **COMPLAINT**

1. Plaintiff, PATRICK EDDINGTON files this Freedom of Information Act suit to force Defendants FEDERAL BUREAU OF INVESTIGATION and DEPARTMENT OF JUSTICE, to produce records pertaining to Lavabit, an open-source encrypted webmail service that the U.S. Government used to spy on Edward Snowden's emails.

## **PARTIES**

- 2. Plaintiff EDDINGTON is a policy analyst and scholar at the Cato Institute and made the FOIA request.
- 3. Defendant FEDERAL BUREAU OF INVESTIGATION is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552, and a component of the DEPARTMENT OF JUSTICE.

4. Defendant DEPARTMENT OF JUSTICE is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

#### **JURISDICTION AND VENUE**

- 5. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 552.
  - 6. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

# MAY 29, 2019, FOIA REQUEST

- 7. On May 29, 2019, EDDINGTON submitted a FOIA request to FBI for all records pertaining to various entities, such as information technology services, press freedom organizations, and two named Russian nationals. Exhibit A.
- 8. On June 4, 2019, the FBI acknowledged receipt of the request. The FBI broke up the request and assigned Request No. 1438298-000 specifically to records concerning Lavabit. Exhibit B.
- 9. In that same letter FBI also claimed that they were "unable to identify law enforcement and/or administrative records responsive to [his] request" and closed the request. Exhibit B.
- 10. On June 12, 2019, EDDINGTON submitted an appeal to DOJ challenging the adequacy of the FBI's search. EDDINGTON also requested expedited processing for the appeal. Exhibit C.
- 11. On June 18, 2019, DOJ acknowledged receipt of series of appeals and assigned reference number DOJ-AP-2019-005357 to the matter. DOJ also denied expedited processing of the appeal. Exhibit D.
  - 12. On July 16, 2019, FBI affirmed its denial on DOJ-AP-2019-005357. Exhibit E.

13. As of the date of this filing, FBI has not conducted a cross reference search and has produced no records responsive to the Lavabit request.

## **COUNT I -FBI VIOLATION OF FOIA**

- 14. The above paragraphs are incorporated herein.
- 15. Defendants are agencies subject to FOIA.
- 16. The requested records are not exempt under FOIA.
- 17. Defendants have failed to produce the requested records.

## WHEREFORE, Plaintiff asks the Court to:

- Order Defendants to conduct a reasonable search for records and to produce all non-exempt requested records;
- ii. Award Plaintiff's attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: November 18, 2019

Respectfully Submitted,

/s/ Joshua Hart Burday

Attorneys for Plaintiff

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